

1 DAVID G. SPIVAK (SBN 179684)
david@spivaklaw.com
2 CHRISTINA J. PREJEAN (SBN 314772)
christina@spivaklaw.com
3 MAYA CHEAITANI (SBN 335777)
maya@spivaklaw.com
4 THE SPIVAK LAW FIRM
5 8605 Santa Monica Bl
PMB 42554
6 West Hollywood, CA 90069
7 Telephone: (213) 725-9094
Facsimile: (213) 634-2485

8 Attorneys for Plaintiff(s),
9 CHARLES MIKICH, JONATHON GORDON, and all others similarly situated
10 (Additional attorneys for Plaintiff(s) on following page)

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN FRANCISCO**
(UNLIMITED JURISDICTION)

13 CHARLES MIKICH, on behalf of himself and
14 all others similarly situated, and as an “aggrieved
15 employee” on behalf of other “aggrieved
Attorneys General Act of 2004,

16 *Plaintiff(s),*

17 vs.

18
19 SAYEH PETROLEUM, INC., a California
corporation; HEDIA PETROLEUM, INC., a
20 California corporation; HADAD ENTERPRISE,
INC., a California corporation; HADAD
21 PETROLEUM, INC., a California corporation;
BAY AREA AUTO CARE, INC., a California
22 corporation; HOUTAN PETROLEUM, INC. a
California corporation; GREEN PLANET GAS,
23 INC., a California corporation; ALI
BOZORGHADAD (also known as ED
24 BOZORGHADAD, also known as ED
HADAD), an individual; and DOES 8-50,
25 inclusive,

26 *Defendant(s).*

Case No. CGC-20-582385 to be
consolidated with CGC-21-594289

**PLAINTIFFS CHARLES MIKICH
AND JONATHON GORDON’S
NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: October 20, 2022
Hearing Time: 8:30 a.m.
Hearing Dept.: 302

Action filed: January 22, 2020
Trial Date: Not Set

**Submitted Herewith Under Separate
Cover:**

1. Memorandum of Points and Authorities;
2. Declaration(s) of David Spivak and Walter L. Haines; and
3. [Proposed] Order



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
15303 Ventura Bl
Ste 900
Sherman Oaks, CA 91403

JONATHON GORDON on behalf of himself and all others similarly situated, and as an “aggrieved employee” on behalf of other “aggrieved employees” under the Labor Code Private Attorney General Act of 2004,

Plaintiff(s),

vs.

SAYEH PETROLEUM, INC., a California corporation; HEDIA PETROLEUM, INC., a California corporation; HADAD ENTERPRISE, INC., a California corporation; HADAD PETROLEUM, INC., a California corporation; BAY AREA AUTO CARE, INC., a California corporation; HOUTAN PETROLEUM, INC. a California corporation; GREEN PLANET GAS, INC., a California corporation; ALI BOZORGHADAD (also known as ED BOZORGHADAD also known as ED HADAD), an individual; and DOES 1-50, inclusive,

Defendant(s).

Case No.: CGC-21-594289

Action Filed: 08/04/2021
Dept: 610, Hon. Garrett L. Wong



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EMPLOYEE RIGHTS

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PMB 42554
West Hollywood, CA 90069
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ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

WALTER L. HAINES (SBN 71075)
walter@uelglaw.com
UNITED EMPLOYEES LAW GROUP
4276 Katella Ave
Suite 301
Los Alamitos, CA 90720
Telephone: (562) 256-1047
Facsimile: (562) 256-1006

Attorneys for Plaintiff(s),
CHARLES MIKICH, JONATHON GORDON, and all others similarly situated



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1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on October 20, 2022 at 9:30 a.m., or as soon thereafter as
3 the matter may be heard, in Department 302 of the San Francisco County Superior Court, located
4 at Civic Center Courthouse, 400 McAlister Street, San Francisco, CA 94102-3680, Plaintiffs
5 Charles Mikich, Jonathon Gordon, and all others similarly situated (collectively “Plaintiffs”) will
6 and hereby do move this Court for an order: (1) granting class certification of the Settlement Class
7 solely for settlement purposes pursuant to California Code of Civil Procedure section 382; (2)
8 preliminarily approving the Joint Stipulation of Class Action Settlement and Release of Claims
9 (the “Settlement”)¹ between Plaintiffs and Defendants Sayeh Petroleum, Inc., Hedia Petroleum,
10 Inc., Hadad Enterprise, Inc., Hadad Petroleum, Inc., Bay Area Auto Care, Inc., Houtan Petroleum,
11 Inc., Ali Bozorghadad, and Green Planet Gas, Inc. (collectively “Defendants”) (Plaintiffs and
12 Defendants are collectively “the Parties”), (3) appointing David Spivak of The Spivak Law Firm
13 and Walter L. Haines of United Employees Law Group as Class Counsel; (4) appointing each
14 Plaintiff as a Class Representative (“Class Representative”); (5) approving the use of the proposed
15 notice procedures and related forms; (6) directing that notice be mailed to the proposed Settlement
16 Class; and (7) scheduling a hearing date for motion for final approval of class action settlement
17 and awards of attorneys’ fees and costs.

18 The “Settlement Class” or “Class Members” consists of all persons Defendants employed
19 in California as hourly, non-exempt employees during the Class Period, which is the period of
20 time from January 22, 2016, through preliminary Court approval of this Settlement, or September
21 3, 2022, whichever is earlier.

22 This Motion is made on the following grounds: (1) the Settlement Class meets all the
23 requirements for class certification for settlement purposes only under California Code of Civil
24 Procedure section 382; (2) Plaintiffs and their counsel are adequate to represent the Settlement
25 Class; (3) the Settlement reflects a fair, adequate, and reasonable compromise of all disputed
26 claims in view of Defendants’ potential liability exposure as compared against the risks of

27 ¹ The Settlement is attached as Exhibit 1 to the Declaration of David Spivak (“DS”), which is
28 submitted herewith under a separate cover.



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1 continued litigation; (4) the proposed notice procedures and related forms adequately apprise the
2 Class Members of their rights under the Settlement and fully comport with due process; and (5)
3 in view of the foregoing, notice should be disseminated to the Class Members and a hearing date
4 for motion for final approval of class action settlement, and awards of attorneys' fees and costs
5 should be set.

6 The Motion is based on this Notice of Motion and Motion, the attached Memorandum of
7 Points and Authorities, the Declaration of David Spivak, the Declaration of Walter L. Haines, all
8 papers and pleadings on file with the Court in this action, all matters judicially noticeable, and on
9 such oral and documentary evidence as may be presented in connection with the hearing on the
10 Motion.

11 Respectfully submitted,

12 THE SPIVAK LAW FIRM

13
14 Dated: September 22, 2022

By:



DAVID G. SPIVAK, Attorneys for
Plaintiff(s), CHARLES MIKICH,
JONATHON GORDON, and all others
similarly situated



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